

# Part 4G

## Process for Complaints Against Councillors

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## 1. Filter stage

- 1.1 Complaint considered by the Monitoring Officer in consultation with the Chief Executive and the political group leader of the councillor complained about. Where appropriate the Monitoring Officer may also consult an independent person.
- 1.2 Where the allegation concerns matters which may amount to a criminal offence, the Monitoring Officer will consult the police on whether the matter should be referred to them.
- 1.3 Options available at the filter stage are:

Complaint resolved by informal action acceptable to both councillor and complainant.	No further action where complaints fall outside the Code, do not justify investigation and there is no informal resolution.	Allegations of criminal matters if appropriate referred to police.	Referral for investigation if criteria are met.
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- 1.4 A complaint will only be referred for investigation if the following criteria are met:
- It is serious enough, if proven, to justify the costs of an investigation; **or**
  - it is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the council and there is no other avenue left to deal with it; **and**
  - the conduct complained of occurred within six months of the date the complaint was received.
- 1.5 A complaint will not normally only be referred for investigation where it falls within one or more of the following categories:
- It is believed to be malicious, relatively minor, or tit-for-tat.
  - The same, or substantially similar, complaint has already been the subject of an investigation or inquiry and there is nothing further to be gained.
  - The complaint concerns acts carried out in the councillor's private life, when they are not carrying out the work of the authority or have not misused their position as a councillor.
  - It appears that the complaint is really about dissatisfaction with a council decision.
  - There is not enough information currently available to justify a decision to refer the matter for investigation.

## **2. Referral for investigation**

- 2.1 The complaint is investigated by an investigator appointed by the Monitoring Officer. Estimated time scales for investigation to be agreed between the investigator and the Monitoring Officer on case by case basis.
- 2.2 Before finalising the investigation report, the Monitoring Officer will seek the views of an independent person.

## **3. Report stage**

- 3.1 If the councillor agrees with the recommendations in the investigator's report (including any sanctions that may be suggested) then the Monitoring Officer will arrange for those recommendations to be implemented and inform the complainant of the outcome.
- 3.2 Where the councillor disagrees with the recommendations in the investigator's report the Monitoring Officer will refer the matter for hearing before a sub-committee and advise the complainant of the proposed hearing.

## **4. Hearing stage**

- 4.1 The Hearing Sub-Committee will consider the investigation report, take account of the views of any independent person consulted in relation to the matter, and hear representations from the councillor concerned and the Monitoring Officer. Other people may be heard at the discretion of the chair.
- 4.2 If the sub-committee finds there is no failure to comply with the Code of Conduct the matter will end there.
- 4.3 If the sub-committee finds that there is a failure to comply with the Code of Conduct of it will recommend what action, if any, should be taken. This may or may not include the imposition of sanctions on the councillor concerned.

## **5. Imposition of sanctions**

- 5.1 If the sub-committee recommends that sanctions should be imposed on the councillor concerned, those sanctions may be immediately implemented if accepted by the councillor.
- 5.2 Where the councillor does not accept the proposed sanctions, the sub-committee will make recommendations to Full Council.